

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|   |   |                  |
|---|---|------------------|
| In the Matter of:                         | ) |                  |
|   | ) |                  |
| Telecommunications Carriers Eligible      | ) | WC DOCKET 09-197 |
| To Receive Universal Service Support      | ) |                  |
|   | ) |                  |
| Petition of Haelele TV, Inc. for Eligible | ) |                  |
| Telecommunications Carrier Status in the  | ) |                  |
| State of New York                         | ) |                  |

**PETITION FOR ELIGIBLE  
TELECOMMUNICATIONS CARRIER DESIGNATION**

Pursuant to 47 U.S.C. § 214(e)(6) of the Communications Act and Commission rules, Haelele TV, Inc. (Haelele or the Company) requests designation as an Eligible Telecommunications Carrier (ETC) status in the State of New York in all areas in which it has been awarded Connect America Fund (“CAF”) Phase II support via the New NY Broadband Program. These areas included portions of Cortland, Chemung, Schuyler, Steuben, Tioga and Tompkins Counties in South Central NY.

**I. Background**

Haelele TV, Inc. was granted a certificate of Incorporation by the New York Department of State on April 9, 1982. Haelele provides service in Barton, Berkshire, Candor, Caroline, Catharine, Cayuta, Enfield, Harford, Hector, Milo, Newark Valley, Orange, Reading, Richford, Spencer, Tioga, Van Etten, and Virgil, New York.

All inquiries concerning this application should be made to:

Denise Laue  
Corporate Secretary  
24 E Tioga Street  
Spencer, NY 14883  
(607) 589-6235

The Company requests ETC designation in the CAF II census blocks it was awarded in the areas of Cortland, Chemung, Schuyler, Steuben, Tioga and Tompkins Counties in South Central New York. A list of census blocks for which the company is seeking ETC designation is provided in Exhibit 1 of this Application.

The Company seeks designation as an ETC designated-provided by the Commission in the State of New York as a New NY Broadband Program Awardee. The Company satisfies all of the statutory and regulatory requirements for designation as an ETC in the requested designated service area. As explained herein, the public interest would be served by granting this petition. As a New NY Broadband Program Awardee, the Company is in a 180-day approval window and does request that the Commission not delay the review and approval of this application for designation as an ETC.

## **II. Commission Authority for Designation as an ETC**

Pursuant to 47 U.S.C. § 214(e)(6), the Commission may designate an ETC where the applicant “is not subject to the jurisdiction of a State commission.” Pursuant to letter dated June 22, 2018, the New York State Public Service affirmed that it lacks jurisdiction to issue ETC designation to Haefele. The letter is included as Attachment A of this petition. Accordingly, Haefele is submitting its request to the Commission and Haefele requests that the Commission approve this petition without delay.

## **III. The Company Qualifies for Designation as an ETC**

As described herein, Haefele meets the requirements for designation as an ETC as established under the statute and FCC rules.

## **IV. The Company will provide Service as a Common Carrier**

Haefele will provide each of the services supported by the Federal High Cost Universal Service Program, as set forth in 47 U.S.C. § 214(e) and 47 C.F.R. § 54.101(a) of the Federal Communications Commission's rules. In order to be designated as an ETC, a carrier must be a common carrier and both offer and advertise the supported services throughout the designated service area. Haefele will advertise and make available a "universal service" offering that includes all of the supported services for consumers in the designated areas of New York. Accordingly, Haefele certifies that it is a common carrier under 47 U.S.C. § 214(e)(1) and 214(e)(6) for purposes of ETC designation.

## **V. The Company Shall Offer Required Services**

Pursuant to 47 C.F.R. § 54.101(a)(1), the Company shall, throughout the service area for which designation is received, offer the services that are supported by Federal universal service support mechanisms. These services are: 1) voice grade access to the public switched network; 2) local usage; and 3) access to emergency services. Haefele TV will construct a Fiber-to-the-Home (FTTH) network in the area that will allow it to offer High Speed Broadband, Cable TV, and Voice-over-IP (VoIP) services to local residents and businesses. This will enhance competition by giving area residents a great number of choices for their telecommunications services, which should in turn lead to more competitive and beneficial service offerings and promotions. Haefele leases switching capacity from two entities: Momentum Telecom and FirstLight. Both carriers employ appropriate routing software, and all E-911 calls will be routed over direct trunks to the incumbent's appropriate E-911 tandems.

Pursuant to 47 C.F.R. § 54.101(a)(2), Haefele will provide broadband services with the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. Company broadband speeds will meet or exceed FCC required speed and usage allowances for fixed broadband offerings.

Pursuant to 47 C.F.R. § 54.101(d), Haefele will offer Lifeline service to Qualifying Low-income Consumers as required by the Commission's rules at all locations where it has been awarded support. The Company shall make available Lifeline service to qualifying low-income consumers

and publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service. The Company will make a concerted effort to notify municipal, state, and federal governmental agencies whose clientele may likely benefit the most from having the Company designated as an ETC by the Commission. In addition, the Company may advertise, among other means, via newspaper, mail circular, and radio and target residential customers with its advertising efforts.

**VI. The Company Shall Use Its Own Facilities, Or a Combination of Its Own Facilities and Resale of Another Carrier's Services**

Pursuant to 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d), the Company shall use its own facilities or a combination of its own facilities and resale of another carrier's services to offer the services that are supported by Federal universal service support mechanisms. Haefele is a facilities based carrier and will use its facilities to provide any requested services.

**VII. The Company Shall Provide Service Throughout the Designated Service Area**

Pursuant to 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d), the Company shall offer the services that are supported by Federal universal service support mechanisms throughout the service area for which designation is received. In addition, the Company commits to provide service throughout its proposed designated service area to all customers making a reasonable request for service. The Company certifies that it will provide service on a timely basis to requesting customers within the Company's service area where the Company's network already passes the potential customer's premises. The Company certifies that it will provide service within a reasonable period of time, if the potential customer is within the Company's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by: 1) modifying or replacing the requesting customer's equipment; 2) deploying a roof-mounted antenna or other equipment; 3) adjusting the nearest cell tower; 4) adjusting network or customer facilities; 5) reselling services from another carrier's facilities to provide service; or 6) employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

### **VIII. The Company Will Advertise**

Pursuant to 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d), the Company shall advertise the availability of the services that are supported by Federal universal service support mechanisms and the charges for such services using media of general distribution. The Company may advertise, among other means, via newspaper, mail circular, and radio and target residential customers with its advertising efforts.

### **IX. 5-Year Plan**

Pursuant to 47 C.F.R. § 54.202(a)(1)(ii), a carrier seeking ETC designation must submit a five-year plan that describes proposed improvements or upgrades to the Company's network on a wire center-by-wire center basis. As a New NY Broadband Program Awardee, the Company provided a financial pro forma, reflecting projections for 5 years with financial statement and key assumptions that described with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area. Within that, the Company estimated the area and population that will be served as a result of the improvements. We ask that this be included as reference.

### **X. Emergency Situations**

Pursuant to 47 C.F.R. § 54.202(a)(2), a carrier seeking ETC designation must demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. All locations requiring commercial power are equipped with an 8-hour battery backup and/or emergency generators. The connection to the fiber electronics in the homes and businesses is also designed for eight (8) hour battery backup. All electronic cabinets and remote electronic sites are equipped with the necessary wiring and power supplies (rectifiers) to sustain operation beyond the eight (8) hours of battery backup with the use of portable or fixed generators. Battery backup is tested yearly by an outside contractor. The contractor tests the

batteries and replaces batteries that do not meet Carrier's specifications (8-hour backup) and cleans & replaces all necessary connections. Carrier's network is engineered to handle reasonable excess traffic in the event of traffic spikes resulting from emergency situations. Carrier's fiber ring technology protects well from loss of toll trunking. Carrier has redundancy in its network for use in re-rerouting traffic when facilities are damaged. The Company does have a Disaster Recovery Plan in place.

#### **XI. Consumer Protection and Service Quality Standards**

Pursuant to 47 C.F.R. § 54.202(a)(3), a carrier seeking ETC designation must demonstrate that it will satisfy applicable consumer protection and service quality standards. The Company commits to comply with all applicable FCC rules concerning consumer protection and service quality.

#### **XII. Designation of the Company as an ETC Is in the Public Interest**

Designation of the Company as an ETC would be in the public interest. Competition furthers the goals of telecommunications service and provides the consumer with a greater choice of providers and service choices, which will in turn result in market-driven prices and quality. The Company is not requesting designation in any rural areas (rural as defined by the statutes of 47 U.S.C. §54.201(c)). Granting the Company ETC status would advance principles of customer service by providing increased competition and is therefore in the public interest.

The designation of the Company as an ETC will offer Lifeline-eligible customers a greater choice of providers for accessing telecommunications services not available to such customers today and should likely expand participation of qualifying customers in the Lifeline program.

#### **XIII. The Company Certification of the Disposition of Federal Universal Service Funding**

Haefele certifies that it will use federal universal support "only for the provision, maintenance and upgrading of facilities and service for which the support is necessary" consistent with

Section 254(e) of the Telecommunications Act of 1996. Certification is included as Exhibit 2 of this Application.

#### **XIV. Anti-Drug Abuse Certification**

Haefele certifies that no party to this Petition is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862 and Sections 1.2001-1.2003 of the Federal Communications Commission's rules, 47 C.F.R. §1.2001-1.2003. Certification is included as Exhibit 2 of this Application.

#### **XVI. Conclusion**

WHEREFORE, PREMISES CONSIDERED, the Company respectfully requests designation as an ETC for purposes listed above. As a New NY Broadband Program Awardee, The Company is in a 180-day approval window and does request that the Commission not delay review and approval of this application for designation as an ETC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lee Haefele', with a long, sweeping horizontal line extending to the right.

Lee Haefele  
President  
Haefele TV, Inc.  
24 E Tioga Street  
Spencer, NY 14883  
(607) 589-6235  
[lee@htva.net](mailto:lee@htva.net)

**Attachment A**

**Letter from the State of New York Regarding Jurisdiction**





**Department of  
Public Service**

**Public Service Commission**

**John B. Rhodes**  
Chair and  
Chief Executive Officer

**Gregg C. Sayre**  
**Diane X. Burman**  
**James S. Alesi**  
Commissioners

**Thomas Congdon**  
Deputy Chair and  
Executive Deputy

**Paul Agresta**  
General Counsel

**Kathleen H. Burgess**  
Secretary

Three Empire State Plaza, Albany, NY 12223-1350  
www.dps.ny.gov

June 22, 2018

**TO WHOM IT MAY CONCERN:**

**Re: Haefele TV, Inc. High Speed Broadband and Voice Over Internet Protocol  
(VoIP) Jurisdiction**

We have received a request from Haefele TV, Inc., a provider of high speed broadband and VoIP services, requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over broadband for the purpose of making determinations regarding Competitive Eligible Telecommunications Carrier (CETC) designations under section 214(e)(6) of 47 U.S.C. At this time, the New York State Public Service Commission does not certify broadband providers.

Consequently, based on the representation by Haefele TV, Inc. that it provides only broadband and VoIP services, it is not at this time required to seek New York State Public Service Commission certification for the purpose of a CETC designation.

Sincerely,

A handwritten signature in black ink that reads "Debra LaBelle".

**Debra LaBelle**  
Director  
Office of Telecommunications

cc: Hon. Kathleen Burgess, Secretary  
Ruvain Kudan, Office of Telecommunications  
Graham Jesmer, Assistant Counsel

**Exhibit 1**

**List of Census Blocks**

**Exhibit 1**  
**List of Census Blocks**

| <b>Project ID</b> | <b>Census Block ID</b> |
|-------------------|------------------------|
| 77307             | 360979502001032        |
| 77307             | 360979502001050        |
| 77307             | 360150101003001        |
| 77307             | 360979502001052        |
| 77307             | 360150101003002        |
| 77307             | 360150101003030        |
| 77307             | 361070207021064        |
| 77307             | 361070207021069        |
| 77307             | 361070207021078        |
| 77307             | 361070207021080        |
| 77307             | 361070207021082        |
| 77307             | 361070207021083        |
| 77307             | 361070207021086        |
| 77307             | 361070207021088        |
| 77307             | 360979503002010        |
| 77307             | 360979503002017        |
| 77307             | 361070207021141        |
| 77307             | 360979503002026        |
| 77307             | 360979503002029        |
| 77307             | 361070207022000        |
| 77307             | 361070207022001        |
| 77307             | 361070207022002        |
| 77307             | 360979503002039        |
| 77307             | 361070207022004        |
| 77307             | 361070207022006        |
| 77307             | 361070207022007        |
| 77307             | 361070207022009        |
| 77307             | 360239712004023        |

|       |                 |
|-------|-----------------|
| 77307 | 361070207022010 |
| 77307 | 361070207022011 |
| 77307 | 361070207022013 |
| 77307 | 360150110003015 |
| 77307 | 361070207022021 |
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| 77307 | 360150110003019 |
| 77307 | 360150110003023 |
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| 77307 | 360150110003053 |
| 77307 | 360150110003054 |
| 77307 | 360150110003075 |
| 77307 | 360150110003076 |
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| 77307 | 360150110003079 |
| 77307 | 361090018001071 |
| 77307 | 361090018003056 |
| 77307 | 361019613002053 |
| 77307 | 361070206001007 |

|       |                 |
|-------|-----------------|
| 77307 | 361070206001008 |
| 77307 | 361070206001027 |
| 77307 | 361070206003014 |
| 77307 | 361019615002034 |
| 77307 | 361070206003017 |
| 77307 | 361070206004003 |
| 77307 | 361070206004004 |
| 77307 | 361019615002042 |
| 77307 | 361070206004005 |
| 77307 | 361019615002043 |
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| 77307 | 361019615002075 |
| 77307 | 361019615002083 |
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| 77307 | 361019615002085 |

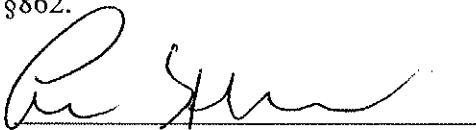
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|-------|-----------------|
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| 77307 | 361019615002089 |
| 77307 | 361019615002092 |
| 77307 | 361019615002093 |
| 77307 | 361019615002095 |
| 77307 | 361019615002097 |
| 77307 | 361019615002101 |

**Exhibit 2**  
**Declaration**

Declaration of Lee Haeefe

Pursuant to 47 C.F.R. §1.16, I, Lee Haeefe, do declare under penalty of perjury the following is true and correct.

1. I am Lee Haeefe, President, Haeefe TV, Inc. (Haeefe). The foregoing "Petition of Haeefe TV, Inc. for Designation as an Eligible Telecommunications Carrier in the State of New York" has been prepared under my direction, supervision and control. The factual statements and representations contained therein are true and accurate to the best of my knowledge and belief.
2. Haeefe intends to obtain low income universal service support funding upon receipt of ETC designation and will use federal universal support only for the provision, maintenance and upgrading of facilities and services for which the support is necessary, consistent with Section 254(e) of the Telecommunications Act of 1996.
3. Haeefe will be capable of providing all of the service offerings required by and set forth in 47 U.S.C. § 214(e) for eligible telecommunications carriers.
4. Anti-Drug Abuse Certification: To the best of my knowledge, the applicant referred to in the foregoing Petition, including all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of the applicant as specified by Section 1.2002 (b) of the Federal Communication Commission's rules, are not subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862.

  
Lee Haeefe  
President  
Haeefe TV, Inc.

COUNTY OF Tioga  
)  
STATE OF New York )

Subscribed and sworn to before me by Lee Haeefe on this 16 day of Aug., 2018.

NOTARY PUBLIC

Name

Pansy A Foster

Signature

Pansy A Foster

Commission expiration

10/17/21

